



DOCKET FILE COPY ORIGINAL

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In the Matter of)
Implementation of Section 621(a)(1) of)
the Cable Communications Policy Act of 1984)
as amended by the Cable Television Consumer)
Protection and Competition Act of 1992)

MB Docket No. 05-311

COMMENTS OF MONROVIA, CALIFORNIA

These Comments are filed by Monrovia California in support of the comments filed by the National League of Cities and the National Association of Telecommunications Officers and Advisors ("NATOA"). Like NLC and NATOA, Monrovia] believes that local governments can issue an appropriate local franchise for new entrants into the video services field on a timely basis, just as they have for established cable services providers. In support of this belief, we wish to inform the Commission about the facts of video franchising in our community.

Cable Franchising in Our Community

Community Information

Monrovia] is a city with a population of 40,000. Our franchised cable providers are Adelphia Communications (soon to be Time Warner Cable) and Champion Broadband. Our community has negotiated cable franchises since 1063.

Competitive Cable Systems

Our community granted a competitive franchise to Altrio Communications, a cable overbuilder, in 2001. The new competitive playing field resulting in immediate rate stabilization and a significant drop in service-related complaints. Altrio, however, failed to obtain a second round of financing and was within hours of shutting down operations in 2004 when Champion Broadband stepped in and acquired the company's assets, maintaining service. Champion operated the system for the next 18 months under the terms of the Altrio franchise agreement, working closely with the City of Monrovia to keep the system operating and television, broadband and telephone service flowing to more than 2,000 households in the community. During that 18 months, the City gave Champion the broadest possible leeway in establishing itself, solving the remaining Altrio financial obligations and positioning itself for continued service. In October 2005, Monrovia granted Champion a new OVS franchise nearly identical to the original Altrio franchise, with a 10-year term. The franchise is comparable to the long-standing Adelphia franchise, particularly in terms of franchise fees, PEG fees and build-out requirements. Neither competing firm has raised level-playing-field

No. of Pages
List

O & A

objections. In December 2005, the Adelphia franchise was approved by the Monrovia City Council for transfer to Time Warner pending sale of the firm to that entity, and we will be entering into negotiations later this year for a franchise renewal, as the current franchise runs out in 2008. We do not anticipate appreciable differences as the negotiations begin, and we expect to complete them before the year is out. The City is on excellent terms with all of the involved parties, and has even brought Adelphia, Time Warner and Champion to the same table to address technical problems with our Public Access stations – all three firms are now cooperating to solve the problems in a community-friendly manner and without any coercion.

Conclusions

The local cable franchising process functions extremely well in Monrovia. As the above information indicates, we are experienced at working with cable providers to both see that the needs of the local community are met and to ensure that the practical business needs of cable providers are taken into account.

Local cable franchising ensures that local cable operators are allowed access to the rights of way in a fair and evenhanded manner, that other users of the rights of way are not unduly inconvenienced, and that uses of the rights of way, including maintenance and upgrade of facilities, are undertaken in a manner which is in accordance with local requirements. Local cable franchising also ensures that our local community's specific needs are met and that local customers are protected.

Local franchises thus provide a means for local government to appropriately oversee the operations of cable service providers in the public interest, and to ensure compliance with applicable laws. There is no need to create a new Federal bureaucracy in Washington to handle matters of specifically local interest.

Finally, local franchises allow each community, including ours, to have a voice in how local cable systems will be implemented and what features (such as PEG access, institutional networks or local emergency alerts, etc.) will be available to meet local needs. These factors are equally present for new entrants as for existing users.

The City of Monrovia therefore respectfully requests that the Commission do nothing to interfere with local government authority over franchising or to otherwise impair the operation of the local franchising process as set forth under existing Federal law with regard to either existing cable service providers or new entrants.

Respectfully submitted,

Monrovia, California

By: Richard Singer
Public Information Officer
City of Monrovia
415 S. Ivy Avenue
Monrovia CA 91016

cc: National League of Cities, leanza@nlc.org
NATOA, info@natoa.org
John Norton, John.Norton@fcc.gov
Andrew Long, Andrew.Long@fcc.gov
Genevieve Morelos, League of California Cities, gmorelos@cacities.org
Phil Urbina, Adelphia, phil.urbina@adelphia.com
Kristy Hennessey, Time Warner Cable, kristy.hennessey@twcable.com
Mark Haverkate, Champion Broadband, mhaverkate@championbroadband.com